

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF AUGUST 25, 1988 MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, August 25, 1988 at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA, pursuant to Chapter 831 of the Acts of 1977, as amended, Section 8 and Massachusetts General Laws, Chapter 30A, Section 2, and the Standards and Criteria regarding designation of a District of Critical Planning Concern adopted by the Commission and approved on September 8, 1975 by the Secretary of Communities and Development, to hear testimony and receive evidence as to whether the Commission should designate specific geographic areas of the land and waters of Martha's Vineyard as described below in the boundaries as a District of Critical Planning Concern.

Area Accepted for Nomination:

All land in the Town of Edgartown beginning at a line drawn from the mean low water line of the Atlantic Ocean drawn 1,000 feet parallel from the westerly right of way of Herring Creek Road to a point where said line intersects a line drawn 1,000 feet parallel from the easterly right of way of Mattakesett Way to the mean low water line of the Atlantic Ocean and thence in a westerly direction along the mean low water line of the Atlantic Ocean to the point of origin. The above area is referenced in Edgartown's Tax Assessors Map numbers 36, 44, 45, 52 and 53.

A copy of the Commission's vote for consideration and all other information relating thereto are on file and may be examined at the offices of the Commission. Written testimony may be submitted prior to or during the hearing.

Mr. John Early, Chairman, read the public hearing notice, and continued the hearing pending the arrival of an additional Commissioner to constitute a quorum.

F. Anthony Mooney, Attorney for Robert Priore, Joan McCarthy, Walter Rutkiewicz, land owners, wanted to take this opportunity to ask questions on the procedures during this hearing. He asked if the hearing would be taped for the record? The response was yes. He asked if, as a hearing under Chapter 30A Administration Procedures Act, "witnesses" would be placed under oath while testifying? The response was no. He then went on to ask if he would have the opportunity to directly cross-examine witness? Witness being defined as people testifying in favor of this application. The response was that questions would be allowed, but only directed through the chair, there would be no "direct" cross-examination. Mr. Mooney then stated that he wanted the record to reflect his objections to lack of oath and denial to cross-examine.

Mr. John Early, convened the meeting at 8:15 to continue with other items on the agenda.

ITEM #1 - Chairman's Report - No Commission meeting on September 1st.

ITEM #2 - Old Business - There was none

Mr. Early skipped Item 3 since a quorum wasn't present to vote on the minutes.

ITEM #4 - Committee Reports - Mr. Young, Chairman, reported on the Land Use Planning Committee and stated they had met with Dick Barbini, representing Mr. John Shek on Monday and that this would be discussed later in the meeting during the discussion on the DRI modifications for Deer Run Trust. Mr. Young went on to say that next week they would be meeting with the Morey, Island Athletic Club, and the Chadwick house applicants.

ITEM #5 - New Business - Ms. Borer addressed the LUPC discussion of an application on Monday for a slight modification of the 1980 Nat's Farm, Langmuir, Vineyard Open Land Foundation Subdivision decision. The decision stated that on 2 particular lots the buildings must be located within 200 feet of the road, within the Island Road District. Since then the vegetative cover between the lots had been cleared and building has been done in the field. Request is to move the building envelope back 100 feet. The staff has done an analysis of this. The Planning Board, Vineyard Open Land Foundation, the Nat's Farm Homeowners Association, as well as the Langmuir's endorse this modification. Ms. Borer wants to discuss it with the Commissioners, and LUPC agrees, for the Commissioner to determine if this modification would warrant a public hearing for this dwellings building permit.

Mr. Morgan, Commissioner, asked if the house would be moving out of the Island Road District? The response was yes. Mr. Saxe, MVC Staff, distributed a map of the site and put the architectural drawings of the proposed building on the board for review. Mr. Young further described the maps and stated that the modification was to move the building site 100 feet further into the field. Mr. Saxe, pointed out the barn design of the house, the view from the street, and the trees that had been cut between the lots.

Mr. Evans, Commissioner, asked if the design was the same as the one that would have been used in the Island Road District. Mr. Young stated that the height of this structure was lower than required by the Island Road District. The site was primarily in open field with small separation of trees.

At 8:30 this discussion was suspended upon the arrival of Mr. Filley, Commissioner, Mr. Early reopened the Katama Airport DCPC Hearing, and Ms. Skiver, MVC staff, was asked to give her presentation of the Katama Airport DCPC.

Ms. Skiver showed a short video, indicated the site on maps, and pointed out the modifications of the boundaries from the original request. She then described the application as follows:

Nominated by: Edgartown Board of Selectmen, July 1, 1988

Boundaries: Katama Airport property bounded on west by Herring Creek Road on the east by Mattakesett Road and on the south by Atlantic Drive. And the Katama Airport designated clear zones: At the ends of the runways, perpendicular to the runways, 125 feet each side of the center line. Distance from the runway end to the outermost limit of the clear zone, along the center line, 1,000 feet. Distance across the outermost end of the clear zone, 450 feet. (See map in staff notes)

Type of District: (1) Wildlife, Natural, Scientific or Ecological Resource District: The Katama Plains is presently known to harbor viable populations of (5) rare plants, (3) rare species of butterflies and moths, and (3) rare bird species. The following is a list of these species considered rare on a statewide and regional basis:

Nantucket Shadbush, Bushy Rockrose, Sandplain Blue-eyed Grass, Sandplain Flax, New England Blazing Star, Regal Fritillary Butterfly, Grasshopper Sparrow, Northern Harrier, Tiger Beetle, Short Eared Owl, Speyer's Cucillia Moth, and Coastal Heathland Cutworm.

A full status of each of these rare species, documented by the Mass. National Heritage Program, the Nature Conservancy, and the Edgartown Conservation Commission is included in the nomination.

(2) Cultural or Historic Resource District: The Katama Airfield is one of the oldest recreational grass strip airports in the country in operation since 1925. The grass-strip airfield maintenance, including mowing and burning, has benefited the rare species by keeping out woody vegetation. The airport provides a unique recreational resource to residents and a rare species habitat and is the largest remaining open section of a once extensive natural sandplain grassland/heathland a globally endangered community.

(3) Economic or Development District: The Katama Airport, as a viable, seasonal airport, provides alternative access to Martha's Vineyard for residents and visitors which contributes to the economy.

(4) Major Public Investment District: Preservation of the Katama Airport involved an extraordinary joint partnership involving: Commonwealth of Massachusetts (State Self-Help-Division of Conservation Services), Town of Edgartown, Nature Conservancy, Vineyard Conservation Society (Katama Farm Committee) and private donations. Total funds required to acquire the Nickerson, Atwood, & Gentle land was \$ 2,883,500, for protection, and maintenance of this area to sustain the rare plants, animals, and natural communities found here and remarkable vistas of the Katama Plains. The Town plans to continue to lease out the grass-strip airfield for limited recreational use. A mutually agreed upon Management Plan between the Commonwealth, the Town of Edgartown, and the Nature Conservancy is enacted to ensure (1) proper stewardship of the land, (2) active management, where necessary, to perpetuate the rare flora and fauna on

the property, and (3) agreed upon limitations on the use of the area as an airfield.

Summary from Nomination Papers: Katama Airport and designated clear zones were nominated to ensure future vitality of the municipal grass-strip airfield. As the area surrounding the airfield is developed into house lots, limited visibility due to building heights and pressure from new homeowners may shorten, limit, or discontinue use of the runways, as has happened recently. If the runways are closed, it will be detrimental to the rare and endangered wildlife. The mowing and burning necessary to the continued maintenance of the airport has perpetuated the open grassland community in which the rare species have proliferated. In addition, public access has been limited in peak seasonal months due to the use of the area as an active airfield.

Action taken by MVC: MVC voted to accept the nomination for consideration for designation - July 21, 1988. Boundaries were modified to include all land in the Town of Edgartown beginning at a line drawn from the mean low water line of the Atlantic Ocean drawn 1,000 feet parallel from the westerly right of way of Herring Creek Road to a point where said line intersects a line drawn 1,000 feet parallel from the easterly right of way of Mattakesett Way to the mean low water line of the Atlantic Ocean and thence in a westerly direction along the mean low water line of the Atlantic Ocean to the point of origin. (See map in staff notes)

Rationale for expansion of boundaries: Provide 1,000 foot buffer for wildlife and natural resources and buffer for air traffic safety and improved runway sight distance.

Ms. Skiver described land ownership patterns and land uses within the proposed boundaries and surrounding area and depicted same on maps.

Zoning: Majority of DCPC area lies in R-60 Zoning District, Total Lot Area - 1 1/2 acres; Additional area lies in RA-120 Zoning District, Total Lot Area - 3 acres; Additional area lies in R-20 Zoning District, Total Lot Area - 21,780 sq. feet; (see map in staff notes for detailed distinction of Zoning Districts)

Applicable DCPC Regulations: (see map in staff notes for detailed location of DCPC) (1) Island Road District DCPC: Major Roads: consisting of the area lying within 200 feet of the right of way of Katama Road including Atlantic Drive & Herring Creek Road. (2) Coastal District DCPC Overlay Districts: a. land, streams, and wetlands below ten (10) foot elevation above mean sea level, or within 500 feet of mean high water of a coastal body exceeding 10 acres or the ocean. b. Establishment of Zones in Coastal District: 1. Shore Zone: from mean low water to 100 feet inland. 2. Inland Zone: Consisting of all land within the Coastal District except the Shore Zone. (See staff notes on file for specific permitted uses and regulations applicable in the Island Road and Coastal District.)

Correspondence:

TO: Fred Morgan, Chairman, Edgartown Board of Selectmen; FROM: Steve Vancour, Chairman, Edgartown Airfield Commission; DATE: June 28, 1988
RE: Edgartown Airfield Commission voted to recommend that the areas adjacent to the Katama Airfield, particularly the areas designated as clear zones, be designated as a DCPC. TO: MV Commission; FROM: Edgartown Conservation Commission; DATE: July 13, 1988; RE: Conservation Commission is aware of ecological significance of this unique area and the necessity of preventing inappropriate development. They support the designation of the Katama Airfield as a DCPC.

After Ms. Skiver's presentation Mr. Early called for questions from the Commissioners. When there were none he then called on Town Boards for statements.

Ms. Edith Potter, Edgartown Board of Selectman, authorized to represent entire board in their absence. Urged strongly that the entire area be designated a DCPC. Was delighted about the increase for a 1,000 foot buffer. The land was acquired after 2 virtually unanimous votes, there is tremendous support to protect the airport and the wildlife habitat. Without the proposed buffers the runways might be shut down in the future. States the airfield is already threatened. Stated that an expert remarked after the spring '88 burn that any more building development might negate the possibilities of future burns.

Mr. Steve Vancour, Chairman, Edgartown Airfield Commission, supports this application. Added the safety liability factor for discussion. The airfield has already lost one runway and had to shorten 2 others due to heights of houses. There was a recent incident on runway 2-1 where an aircraft lost its brakes and used the entire runway to stop. The shortening of these runways definitely affects the safety factor when aircraft are trying to land. Another incident occurred 7-8 years ago when due to pilot error the plane went out onto the road. Feels the additional safety factor warrants this designation.

Steve Gentle, Jr. stated he has 50 years of family involvement with the airfield and 30 years of involvement to make it safe. He made one very bad mistake and that was to sell a valuable piece of land to a friend to grow hay. The person promised not to build and didn't. However he sold the land, which was then resold, and has since been built on. Said the airport means alot to him and he doesn't want to see it closed. He urges Commissioners to go to the Airport on the weekends and see how many people are using the airfield.

Mr. Roy Nutting, Manager of the Katama Airport, stated that the AOPA in Maryland has given him statistics on the number of small fields that have closed in New England, New York, New Jersey, Pennsylvania, and Maryland. The number of airfields closed in 1987 was 96 either closed or abandoned, in 1986 , 63. Stated that this airfield is a rarity and is certainly a benefit to the Island.

Mr. Early then called for public proponents, when there were none he called for public opponents.

Eugene L. Tougas, Attorney representing S. Martin MacDowell who owns lot #31, showed location on map. The streets are paved and lot is prepared to be built upon. Originally designated as a clear zone. Stated there is currently a house located 200 feet south from lot 31 and a house is under construction on lot 30. There is no airport facility for instrument landings, no instrument facilities at all, no lights, no expansion and no significant increase in volume of traffic. The lack of instrument approaches diminishes the need for clear zones. He submits that lot 31 construction won't be a menace to aeronautic navigation. Stated reasons for opposing the proposed designation: the proposal is either unnecessary or based on faulty facts and reasoning or, if carried out to the extent requested (i.e. no building on the remaining lots), would, in effect, constitute an unconstitutional de facto taking of land. He stated the lots south and southeast are already built, the lots north and northeast in the general vicinity of Herring Creek and Crocker roads is already substantially built. Stated that there are large poles with safety markers which are 50 foot obstructions. Notes the close proximity of the landing strip 3/21 next to Herring Creek Road without fencing. States a runway that leads to a street end, according to FAA regulations, require the altitude of the plane be at least 15 feet above a public road and finds it hardly credible that these runways are safe. It seems the only ones opposed would be owners of land shown on Land Court Plan # 34426-C. Mr. Tougas said he had researched state law extensively and conferred with several aeronautic agencies and the results indicated that there is no such law on the dimensions of clear zones and no such regulations for non-instrument approaches. Said the FAA used the term clear zone loosely and they admit that "the term is a loose phrase having no precise definition." At that, FAA requires airport owner acquire a proper property interest in areas within and outside the airport or air rights as easements off the airport if same are to be used for benefit of airport use. It may well be that intent of the petition was to refer to provisions of Mass. General Laws Chapter 90 section 35 B which though not applicable here, nevertheless specifically exempts from its provisions "structures which will be thirty feet or less in height above ground". A copy of the entire statute is appended and submitted as exhibit C. Reasons as grounds for the need of the requested designation: Reason "A" The construction of a house on lot 31 in particular and on other vacant lots in the immediate area will have no bearing on the allegations set out. There is no reason why the use of the airport cannot and could not be continuous. Reason "B" The homeowner is on notice of the airport existence and activity. His conference with Mass. Natural Heritage personnel led him to believe the airport is not to be used 8 months of the year. He stated there has never been a successful attempt to close airport by the clamor of homeowners citing Hanscom Field as an example. He stated the field could be mowed and kept to preserve the wildlife habitat without the airport. Stated that preventing construction of a very small number of houses isn't going to preserve the habitats. Reason "C" Restricting use of certain lots for other than human habitation is too severe. The State exempts from

its regulations the erection of buildings with no greater height than 30 ft, certainly this would be a sound policy here. He then presented historical overview of subdivision of parcels off Herring Creek Road and Land Court Plans, Town acquisition of four lots and restrictions on said lots. At that time, it was deemed that the conveyance to the town of this land would suffice to take care of any need for airport protection despite that runway 17/35 was used infrequently. He stated that in short - as nationwide case law supports - since it is a public purpose, the requested ban on construction on lot 31 and on others similarly situated would constitute a taking, is unconstitutional and therefore, impermissible, restriction on the use of land. (Mr. Tougas' testimony has been shortened for the Minutes, his entire written statement is included in the record).

P. Anthony Mooney, Attorney representing Robert Priore, Joan McCarthy, and Walter Rutkiewicz, owners of 30 lots and the clients referred to early as donators of the 4 lots of land worth \$400,000. He stated that the broadening to include 1,000 feet wasn't even requested. That it constituted a drastic encroachment on their rights and that there were other alternatives some of which are already in place. Preserving the airport to preserve the wildspecies is nonsense. Citing the 2 main reasons for the petition (1) That wildspecies preservation, of non confirmed endangered species, could be accomplished by mowing. (2) Airports were designed and built with their own buffer zones and to say that construction of structures on pre-approved, zoning conforming lots will close the airport and deprived the Island of a viable economic entity is preposterous. Other closings cited might be due to economic concerns. An airport could only be closed by the proper authorities and that the reasons for the previously stated closings were all conjecture. The clients have approved lots complying with current restrictions and all zoning laws and when the subdivision was made there was a voluntary donation. He stated the issue wasn't clear zones or wildlife habitat, it was an issue of fairness. It is unfair to deprive clients of property rights. He has no objection to the airport being designated as a DCPC but is opposed to the extension of 1,000 feet. Clearly unnecessary. Stated that the size and shape of the district has to have a logical planning area. That this district slices properties and even houses. No rhyme or reason to designation. Stated there is no evidence that the wildlife would be endangered outside of the airfield. Stated that while this airport is unique there is no valid data showing that development is going to damage the airport. Said the economical and development issue has already been touched upon but in reference to the public investment it was in the airport property not in public land. Under the criteria there was no basis for 1,000 ft. extension and no evidence to warrant this. Stated that the proposal was not for a DCPC but to propose a no-build zone.

Robert Priore stated that as a property owner he would be severely hurt. Said he is an experienced pilot and has flown 1-2 times a week for the past 15 years from this airfield. He has served on the committee to save the Braynard Airport. He stated in that case it wasn't homeowner's that tried to close it but the City who wanted to turn it into an industrial park, and that the pilots saved the

airfield. He said he has heard no public outcries, no talk about closing this airport. When his subdivision was submitted for approval there was a plan, which stated that if property was donated to protect the airport and runways that that would settle the issue. He feels what is being proposed now is unethical and immoral that some of the same people now want the rest of the property. Stated he had put in roads and water at great cost to himself. There have been no complaints, this is an attack on the property owners not a defense of the airport, an attack on a few property owners. Whole idea is not fairplay. Finds it demoralizing to deal in good faith, with some of the people sitting here tonite, several years ago and then to have them take away everything he got in the deal. Doesn't feel anyone should be able to take away his land without compensation.

Steve Gentle, Jr. Finds it hard to sit and listen to mis-statements. Has flown out of runway thousands of times and he bites his nails everytime and wonders if someday someone is going to land on a house. States it isn't safe.

Ms. Edith Potter, Board of Selectman, wants to make it perfectly clear that the land donation wasn't out of the goodness of their heart. It was to settle a very serious bit of litigation which the client preferred to settle out-of-court. It was not a charitable thing.

Mr. Priore stated that the reason the town wanted the land was to save the airport and that's why that particular land was donated.

When there was no further comments the hearing was closed at 9:55 p.m.. The record will remain open for 1 week.

After a short recess the meeting was reconvened at 10:00 p.m. and Mr. Young, Chairman of the Land Use Planning Committee, read the public hearing notice concerning the following Development of Regional Impact (DRI):

Applicant: Joseph L. Maillet, Trustee
Deer Run Trust
1620 Sudbury Road, Suite 6
Concord, MA 01742

Location: Off Barnes Road and Edgartown/
Vineyard Haven Road
Oak Bluffs, MA

Proposal: Request for modification of the August 27, 1987
DRI Decision qualifying as a DRI since the
development is the subject of a previous DRI
Application.

After reading the public hearing notice Mr. Young opened the hearing for testimony. He pointed out that there would be 2 phases to this DRI modification. Phase 1. the recreational lot and amenities and Phase 2. the affordable housing condition from previous decision and request to modify. Phase I the recreational lot will be the issue of

tonite's hearing. He then announced the order of the public hearing, and asked Mr. Bales, MVC Staff, to give the staff presentation.

Mr. Bales pointed out that the property was now known as Girdlestone Trotting Park and was a modification of the Deer Run Decision.
Specifications:

Proposal - to include (on the lot designated active recreation in the original decision) two tennis courts, a swimming pool, and a clubhouse. As proposed, the clubhouse contains two bathrooms, showers, a small kitchen, and a function room. No lockers.

Location - the Deer Run Subdivision is located at the intersection of the Edgartown Vineyard Haven Road and the Airport Road southeast of the blinker. The Active Recreation Lot is located toward the southwest corner of the subdivision.

The Active Recreation Lot - 115,009 sq. ft.. Clubhouse - 3102 +/- sq. ft. (not including basement), footprint is 1.3% of total lot area, 19' +/- to peak of roof (32' maximum for zoning district), estimated daily septic flow 1050 gallons, septic tank provided 1500 gallons. Parking Spaces - 23 (to serve 43 homes), no handicapped, no concrete slab for parking motorcycles. Parking lot (paved) - 9,180 + sq. ft., 7.9% of lot area, drainage plan seems to route runoff water into a depression at the Eastern side of the lot. Pool - 843.75 sq. ft (37.5 X 22.5), includes 7.5' wide cement walk surrounding pool 1,968 sq. ft (52.5 X 37.5), 1.7% of the lot area, there will be a lifeguard on duty at all times of operation, the swimming pool will not be lighted, the pool will be emptied each Fall. Two tennis courts - they will not be lighted, the surface will be an asphalt rubber mixture. Fences - one fence not lower than 5' is required for the pool, fences 10'-20' are required for tennis courts, what permits are necessary for these fences?

Zoning - Residential-3:

Minimum Lot size - is 60,000 sq. ft, Deer Run is an Open Space Community and therefore allowed smaller lots. The Whole subdivision: Total Acres of subdivision - 46.25. Acreage of roads in subdivision - 5.3 acres, this is 8.2% of the total land. Traffic - 43 lots * 6-14 = 258-602 trips per day, an average of 391 trips per day. Open Space - total open space 32.61, 50.8% of total land, active recreational lot, 2.6+ acres (115,009+ sq. ft.), non-active recreation lot, 3.9 acres (169,398 sq. ft.). Common areas - Number one 9.3 acres (404,680 sq. ft.), number three 2.5 acres (107,884 sq. ft.), numbers two and four are the recreation lots. Acres for building lots 26.34 acres. Housing lots - range from 20,000 sq. ft. to 57,000 sq. ft. in the plan approved.

Constrictive zones - O.B. Water Resource Protection District and within the zones of contribution of two town wells.

Access - two access roads along the Airport Road, one emergency access road onto the Edgartown Vineyard Haven road (there is nothing presently limiting this access).

Development Concerns - Check conditions of previous decision for non-compliance. Plans for the lots (16 and 17) on either side of the Emergency Access Road labeled Callen Corporation "Deer Run"? There is nothing limiting access on the Emergency Access road. The effect of swimming pool chlorine when pool is drained or backwashed? Pool is in the WRPD, protection of town water is a goal clearly set forth in the Oak Bluffs Master Plan. Does the septic have a large enough capacity to handle showers as well as bathrooms? How did the applicant calculate the number of parking spaces? Landscaping plan for the active recreational lot? Landscaping plan for the parking? Planned uses for the basement of the building? Is there a lifeguard required for the swimming pool? State building code? Will there be a shed to store the chlorine and to enclose the filter system? (Attached to the staff notes are 2 maps and an aerial photo depicting the site.)

When Mr. Bales had completed his presentation the Commissioners were called upon for questions.

Ms. Harney, Commissioner, Is this for year round residents only? The response was it is for residents of Deer Run.

Mr. Filley, Commissioner, what is the current vegetation. Mr. Bales responded that he would show a video later in the hearing.

Mr. Geller, Commissioner, what specifically is the modification. Ms. Borer replied that it is a change in the original decision in that this application proposes different and additional uses of the active recreational lot. There is also a proposed modification of the Affordable housing issues. Mr. Geller wants to know why it was being done in a piece-meal fashion. The response was that the Regional Housing Authority had not yet had a chance to discuss the affordable housing issue and rather than continuing the entire hearing the decision was made to act on it in two phases. Phase I being the recreation lot to be dealt with now and phase II being the affordable housing issue which will be dealt with at a latter date. Is the affordable housing then lost. The response was no, as the decision states no conveyances will be allowed until after the 3 lots are conveyed to the Regional Housing Authority. It was then asked where the Resident Homesite lots were in relation to the recreational lots. Mr. Shek responded that they had not designated the Resident Homesite lots yet. Ms. Borer stated that questions about the affordable housing should wait until a future hearing. Mr. Shek restated that he would like to hold consideration of conditions 2A and 2B in abeyance until Oak Bluffs Resident Homesite Committee and the Dukes County Regional Housing Authority can agree on procedures. He said they would withdraw the application for affordable housing modifications and reapply after the OB Homesite and the Regional Housing Authorities had agreed.

Ms. Medeiros, Commissioner, There is no handicapped access? Mr. Shek said if it was required by the Commission that they would be glad to comply.

Mr. Young, Commissioner, questioned the plan, if there is a fence around the pool and the showers will be located in the rear of the clubhouse won't people have to walk across the lawn to shower? Mr. Shek responded that the showers are intended for rinse off before and after swimming only. Said the floor plans will be modified to include the showers and that there would be no lockers or dressing rooms. They intended people would go home for everything else.

Mr. Shek went on to say that the Oak Bluffs Planning Board had said if there are amenities proposed they want them installed right away. Mr. Shek agreed with this and stated that the first step is approval of this plan before they meet with the OB planning board.

Mr. Widdiss, Commissioner, asked if the clubhouse would not be used for tennis or swimming what would it's use be? Mr. Shek responded that the clubhouse would be available for use by the homeowners for large activities, managed by appointment, and is an incentive to buy property. It is not to be used by non-residents.

Mr. Geller, Commissioner, assuming approval is granted what is the timetable for construction of the amenities and housing. Mr. Shek responded that the clubhouse would be done in panel work and that construction had been under way since May.

Mr. Jason, Commissioner, asked how many seats would be in the clubhouse. Mr. Shek responded that the capacity would be 70. Mr. Jason then asked if Oak Bluffs required the parking lot to be paved. Mr. Shek was unable to answer so Mr. Bales, MVC staff, responded in the negative.

Ms. Scott, Commissioner, wanted to know if the pool would be drained each fall. Mr. Shek responded yes, and went on to say that set procedures would be followed so that most of the chemicals will have expired to a quality acceptable before the water is drained off.

Mr. Lee, Commissioner, questioned if the septic were located under the parking. The response was yes.

Ms. Borer then asked Mr. Shek to give an update on the status of the conditions from the previous decision. 1. the two acres deeded to the town. Response: Yes that was done prior to acquisition. Ms. Borer stated that the Commission needs a copy of the registered deed. 2. Easement conveyance. Response: the easement has been delayed due to construction and installation of the waterlines. They have followed thru with a plan but the High School must do a similar plan. He has offered his assistance and feels he should be able to complete within a week. 3. Deep observation well. Response: He and Mr. Saxe had met with the Oak Bluffs Board of Health and decided on Conservation area #2 for installation of the well and he has contracted with a company on the island to construct the well.

Town boards were then called upon for comments. There were none. The public was then called upon, there were no responses. Mr. Filley expressed his desire to see the video. Mr. Bales then showed the video and described it.

Mr. Filley wanted to know if the clubhouse would be visible from the road. The response was no, there is a 200 foot buffer (no cut/no build) and the clubhouse is 85 feet from the edge of this buffer.

Mr. Morgan, Commissioner, wanted to know how they had arrived at the number of parking spaces. Mr. Shek responded that the number was determined by the number of people expected to use the clubhouse. He also wanted to respond to other concerns. That Lots 16 & 17 were not owned by the Deer Run Trust, that Deer Run was not the Callin Corporation. He also stated that the emergency access was the only one currently available for use during construction and when they were finished a crash gate and chain would be installed. He also stated that the pool chlorine process would be followed in accordance with prescribed procedures to allow chemicals to become inert. He stated that the septic capacity was over 25% of Title V requirements, that the house showers won't change the septic design. The landscaping plan was to grade, hydroseed with residential quality grass, plant shrubs and evergreens in specified areas. The plans for the basement is to use it as passive storage, for tennis and pool storage. The lifeguard will be on contract and access to the pool would be made thru the lifeguard. The shed for the pool will be approximately 15' X 30'.

Ms. Eber, Commissioner, asked if Oak Bluffs had rules concerning pools in this area. Mr. Bales, MVC Staff, responded that it was permitted but that Mr. Steve Kenney, of the Oak Bluffs Water Department, is concerned.

Ms. Scott, Commissioner, asked if the fact that the Board of Health hadn't approved the septic would this affect the Commissions vote? Mr. Shek responded that they would be glad to give us copies of the Board of Health decisions and that they would comply with any alterations.

When there were no more questions the public hearing was closed at 10:47 p.m. with the record remaining open for one week.

The special meeting was reconvened after a short break and was picked up in the middle of the Nat's farm matter.

Mr. Saxe, MVC staff, reiterated that the previous decision stated that 2 lots must have the building envelopes within 200 ft of the road but since the new construction in the area and the clearing he feels it has lessened the impact of this repositioning. Mr. West had one question, would there be a new driveway. The response was no they would share one with Jenny Gadowski. Ms. Borer asked the height of the building. The applicant, Ms. Doyle, responded 22 feet. Mr. Jason asked if it was in the cornfield the response was no. Mr. Geller

asked if it was appropriate to put conditions on height. The response was yes.

Mr. Saxe then showed a video and stated that the Vineyard Open Land Foundation has sent a letter in support of this application.

With no further discussion, Mr. Morgan motioned that this matter does not require modification of our decision and therefore does not require a public hearing. Seconded.

A vote was called and the motion was unanimously approved with no abstentions.

Mr. Early then announced, also under New Business, that Ms. Skiver, MVC staff, would be taking a one month leave of absence. He then moved to item #3.

Item #3 - Minutes of August 18, 1988 - Ms. Eber requested a change on page 3 paragraph 3, change the multi-unit lots to multi-unit dwellings. The motion was made and seconded to approve as corrected, there were 4 abstentions (West, Jason, Lee, Scott).


Item #6 - Correspondence - there was none.

The meeting was adjourned at 10:55 p.m.

ATTEST


John G. Early, Chairman

9/8/88
Date


J. Woodward Filley,
Clerk/Treasurer

9/8/88
Date

Attendance:

Present: Jason, Lynch, Widdiss, Filley, West, Young, Eber, Ferraguzzi, Evans, Scott, Early, Medieros, Wey, Lee, Morgan, Allen, Geller, Harney.

Absent: Ewing, Delaney, McCavitt, Harris.